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CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF: DISAPPEARANCES AND SUMMARY EXECUTIONS

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Letter dated 24 April 2001 from the Minister Counsellor, Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I have the honour to enclose herewith the Aide Memoire* on missing persons prepared by the Federal Government of the Federal Republic of Yugoslavia.

I should like to ask you kindly to have it published as an official document of the fifty-seventh session of the Commission on Human Rights under agenda items 11 (b) and 9.

(Signed): Mirjana Radic

Minister Counsellor
Chargé d'affaires a.i.

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* Reproduced as received, in the language of submission only.

AIDE MEMOIRE

1. The FR of Yugoslavia pays particular attention to solving the issue of missing persons in former Yugoslavia, including that of the most recent disappearances and abductions in Kosovo and Metohija, which is under special administration by the United Nations in keeping with the SC resolution 1244 (1999).

   Abductions, disappearances and unlawful deprivation of freedom of all persons in the territory of the former Yugoslavia, regardless of their national origin, stand as the most sensible emotional, social, humanitarian, but also political issues. The process of reconciliation, establishment of multiethnic societies based on democracy and the rule of law will largely depend on the resolution of these issues.

   The new democratic authorities of the FR of Yugoslavia are determined to fully contribute to the resolution of these issues in cooperation with all countries concerned, international governmental and non-governmental organizations, associations of citizens dealing with such issues.

   It is as well our moral and legal duty towards families of missing persons who are entitled to learn about the fate of their closest ones. Withholding information on abducted and missing persons represents a flagrant violation of the human rights of their family members, while abductions, imprisonment in secret prisons and liquidations of the abducted represent crimes for which all perpetrators have to be accountable for under international norms and national legislation.

2. The FR of Yugoslavia rightfully expects a much more active engagement by the international community with regard to the most recent cases of abductions, disappearances and secret prisons in Kosovo and Metohija, given the special responsibility of the United Nations, in compliance with SC resolution 1244. At the same time, by so doing we do not wish to downplay the importance of the release of ethnic Albanians from prisons.

   We wish to recall that on 26 February 2001 the Federal Assembly of the FR of Yugoslavia adopted the Amnesty Law. This was done despite daily armed attacks and provocations by Albanian extremists and terrorists in Kosovo and Metohija and Southern Serbia. The new democratic authorities of the FR of Yugoslavia deem this to be one of the major steps taken towards establishment of lasting peace in the region and in Kosovo and Metohija. As a good-will gesture, the FR of Yugoslavia has opened the process of revision of criminal procedures and sentences pronounced against a number of persons of Albanian nationality charged with terrorism.

   The public opinion in our country and families of missing and detained Serbs, Montenegrins and other Yugoslav citizens follow with undivided attention these steps taken by the Yugoslav Government while at the same time requesting an urgent resolution of the fate of their missing relatives and fellow-countrymen.

   Numerous were the occasions when we have communicated information collected on missing persons. Only during the period following the deployment of KFOR and UNMIK in Kosovo and Metohija, on 10 June 1999, over 1100 persons of non-Albanian origin went missing or were abducted.

The most recent information indicate that among the missing there are 972 Serbs and Montenegrins, of which 190 women, 18 non-identified persons and 110 persons belonging to other nationalities. Our competent authorities dispose of detailed lists of all persons reported missing.

In the course of the same period, 30 children were reported missing or were killed. This represents the most flagrant violation of the Convention on the Rights of the Child, and in particular the violation of the right to life, to safe childhood and the right to normal development of children in peace.

Also unknown is the fate of several dozens of soldiers of the Yugoslav Army and members of the Ministry of the Interior, who went missing in conflicts with Albanian terrorists prior to the deployment of international forces. Numerous witnesses have confirmed allegations on prisons kept by the KLA, but KFOR and UMIK have not had any success in discovering their locations. Concurrently, the FR of Yugoslavia rightfully expects UNMIK and the international community to engage more actively in solving these issues, in accordance with their obligations arising from the SC resolution 1244.

3. The same goes for the problem of missing persons in Croatia. In accordance with provisions of the Agreement on cooperation in finding the missing persons, signed by ministers of the two respective countries in November 1995, and of the Protocol on cooperation, signed in 1996, we expect that all open issues in this field be dealt with in agreement by both parties, in particularly as concerns 2075 persons reported missing in military operations " Flash" and " Storm" conducted by the Croatian army, including exhumations and identification of Serb victims in mass graves.

Finally, we wish to underscore once again that it is very important to find a solution to the issue of missing persons not only so as to improve the overall situation of human rights in Yugoslavia but in other countries of the former Yugoslavia as well, but also to continue the process of building good-neighbourly relations and mutual confidence throughout the region. In accordance with its commitment to start resolving even the most flagrant violations of human rights, the new democratic authorities of the FR of Yugoslavia stand ready and open to discuss all aspects of the missing persons issue with representatives of countries concerned, international community and associations on missing persons with a view to achieving effective results.

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